IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No.655(S/S)of 2007

Kripal Dutt Joshi S/o late Laxmi Dutt Joshi,
R/o village Kumoli, P.O. Barechena,
District Almora.
Headmaster, Junior High School, Maniagar,
P.O. Maniagar, District Almora. -----Petitioner.

Vs.

1. State of Uttarakhand through Secretary Education,
Govt. of Uttarakhand, Dehradun,
2 Education Director, Mayur Vihar, Dehradun,
3. District Education Officer, Almora. ----Respondents.

Sri Vinod Tewari, learned Counsel for the petitioner,
Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/ respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Vinod Tewari, learned Counsel for the petitioner and Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of Mandamus directing and commanding the respondents to grant the petitioner "Satrant Labh" in accordance of the G.O. 26.09.1994 which is still in existence,

ii. Issue any other writ, order or direction which this Hon'ble Court my deem fit and proper view of the facts and circumstances of the case,

iii. Award the cost of writ petition to the petitioner.

The petitioner, who in the capacity of Headmaster in Junior High School, Maniagar, District Almora, after completing his age of superannuation has been retired from his services w.e.f. 30th June 2007. Stand of the petitioner is that as per the Rules he is entitled to be continue in his service till the end of session, which according to him is upto 30th March 2008. In this respect, the petitioner has already moved representation on 30th April 2007 before the Director, School Education, Dehradun which is still pending before him.

Without entering into merits of the case, I deem it fit and proper directing the respondent no. 2 i.e. Director of Education, Dehradun or any other officer nominated by respondent no. 2 to take decision on the application/ representation of the petitioner dated 30th April 2007, annexure no. 5 to the writ petition for providing him session's benefit in accordance with law, provided the petitioner has not been granted such benefit earlier. Decision in this regard may be taken by the Director or by the officer nominated by the Director within a period of four weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 12, 2007:
NCM: